

Amendment No. 2 to SB1539

**Haynes
Signature of Sponsor**

AMEND Senate Bill No. 1539*

House Bill No. 1569

FILED

Date _____

Time _____

Clerk _____

Comm. Amdt. _____

by deleting subdivision (a)(4) in SECTION 1 of the bill as amended and by substituting instead the following:

(4) A collection service licensee bringing suit in its own name as an assignee may submit an affidavit of sworn account that has been executed under oath by the assigning party or by a person qualified to execute a sworn account pursuant to Tennessee Code Annotated, Section 24-5-107(a). A copy of the sworn account shall be filed with the court for service upon the debtor.

AND FURTHER AMEND by deleting subsection (b) in SECTION 1 of the bill as amended and by substituting instead the following:

(b) A collection service licensee may commence litigation for the collection of an assigned account, bill, note or other indebtedness in a court of competent jurisdiction located in any of the following counties:

(1) The county in which the debtor signed the account, bill, note or other indebtedness sued upon;

(2) In the case of consolidated accounts that all arose from the same county, the county in which all of the consolidated accounts, bills, notes or other indebtednesses arose; or

(3) The county in which the debtor resides at the commencement of the action.

AND FURTHER AMEND by deleting subdivision (d)(2) in SECTION 1 of the bill as amended and by substituting instead the following:

(2) If a debtor or co-debtor files a sworn denial or otherwise raises a dispute concerning any account, bill, note or other evidence of indebtedness, the court shall dismiss the account, bill, note or other evidence of indebtedness, without prejudice. The collection service licensee may bring a separate case for any such disputed account, bill,

note or other evidence of indebtedness within one (1) year of dismissal; provided, however, that the disputed account, bill, note or other evidence of indebtedness cannot be consolidated with any other account, bill, note or other evidence of indebtedness.

AND FURTHER AMEND by adding the following as a new subdivision in subsection (d) in SECTION 1 of the bill as amended:

(_) On the face of any warrant or other pleading filed in any consolidated action, or in an attachment thereto, the collection service licensee shall state the order in which the creditor intends to apply payments received on any judgment obtained in the consolidated action. The collection service licensee shall also state that payments will be applied as stated unless the debtor instructs otherwise in writing or the court orders otherwise.